

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 DAVID KEITH SCHULT,

7 Plaintiff,

8 v.

9 BOY SCOUTS OF AMERICA,

10 Defendant.

Case No. 3:20-cv-00647-MMD-CLB

ORDER

11 *Pro se* Plaintiff David Schult submitted a civil rights complaint under 42 U.S.C. §
12 1983. (ECF No. 5 at 33-38.) Before the Court is the Report and Recommendation (“R&R”
13 or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 6),
14 recommending that Schult’s application to proceed *in forma pauperis* (ECF No. 5 at 3-4,
15 9, 11, 13, 15, 17, 19, 21, 27) be granted, complaint (ECF No. 5 at 33-38) be dismissed
16 with prejudice, and motions for appointment of counsel (ECF Nos. 1-1, 5 at 23-26) be
17 denied as moot. Schult had until July 5, 2021, to file an objection. To date, no objection
18 to the R&R has been filed. For this reason, and as explained below, the Court adopts the
19 R&R and will close this case.

20 The Court “may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
22 fails to object to a magistrate judge’s recommendation, the Court is not required to
23 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*
24 *v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,
25 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
26 recommendations is required if, but *only* if, one or both parties file objections to the
27 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

28 ///

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct *de novo* review, and is
4 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends granting
5 Schult’s *in forma pauperis* application as Schult is unable to pay the filing fee. (ECF No.
6 6 at 1-3.) Judge Baldwin further recommends Schult’s complaint be dismissed with
7 prejudice as Schult has failed to state a claim upon which relief may be granted. (*Id.* at 3-
8 5.) Accordingly, Schult’s motions for appointment of counsel should be denied as moot.
9 (*Id.* at 5.) The Court agrees with Judge Baldwin. Having reviewed the R&R and the record
10 in this case, the Court will adopt the R&R in full.

11 It is therefore ordered that Judge Carla L. Baldwin’s Report and Recommendation
12 (ECF No. 6) is accepted and adopted in full.


13 It is further ordered that Plaintiff David Schult’s application to proceed *in former*
14 *pauperis* (ECF No. 5 at 3-4, 9, 11, 13, 15, 17, 19, 21, 27) is granted.

15 It is further ordered that Schult’s complaint (ECF No. 5 at 33-38) is dismissed with
16 prejudice.

17 It is further ordered that Schult’s motions for appointment of counsel (ECF Nos. 1-
18 1, 5 at 23-26) is denied as moot.

19 The Clerk of Court is directed to enter judgment accordingly and close this case.

20 DATED THIS 12th Day of July 2021.

21
22
23 
24 MIRANDA M. DU
25 CHIEF UNITED STATES DISTRICT JUDGE
26
27
28